

the Eleventh avenue case, and then how, when the city board had failed, the Mayor urged the Legislature to turn "death avenue" over to the Public Service authorities.

Pastor Makes a Hit.
The Rev. J. A. Lockwood, pastor of a Methodist church in Brooklyn, made a hit with the committee and the audience.

"There are poor people, many of them in my congregation," Mr. Lockwood said. "I know the poor of New York and I run for Mayor on a five cent fare and he will be beaten, for with the five cent fare goes the issue of indecency."

Joe Levenson, Republican leader of the First district in New York, got a big laugh when he turned to Senator Johnson and said:

"You talk about the constitution; if they tried to run buses out in California as dirty as those operated in New York streets, and with chauffeurs as insolent, your whole State would rise up and overturn both the constitution and the buses."

Gov. Miller in his talk in the Executive Chamber challenged the opponents to his transit policy to bring out a better plan or cease trying to obstruct the State in its endeavor to save municipal transportation from utter ruin.

Gen. Oliver B. Bridgman, chairman of the citizens transit committee, led the delegation, representing many civic associations, to the executive chamber. Alfred E. Marling of the transit committee told the Governor that those in the group were supporting the administration in its effort to bring transit relief to New York.

The Governor expressed appreciation for the support given to a public cause. He said, in effect, that the public interest, "Public opinion," he continued, "is a curious thing. Ultimately it is pretty certain to be right. But the reason that it is right is that people like you have the courage to stand up for a time even against what appears to be perhaps the popular view. People who think and reason in the face of public opinion."

"Unfortunately in these days there are not only people but causes which tend to dismember the public mind; there are causes which tend to prevent people thinking straight, and unfortunately there are too many people with selfish ambitions of one kind or another who are ready to sacrifice the public interest to add to the dismembering of the public mind. And, in my view, people who do that are public enemies."

Two Great Problems.
"I found upon assuming the duties of this office that there were two problems of great concern to the people of the entire State. One was transit and the other the problem of the inadequate terminal facilities, the expensive method of distribution of freight, the handling of freight at the terminals and of distributing it in your city—the problem, in other words, we have called the port problem."

After explaining the progress made in dealing with the port development problem the Governor turned to the transit matter.

"It seemed to me," he said, "that we were facing a crisis with respect to that problem. I think your present conditions are constantly growing worse and are a matter of concern to the prospect of what would happen a few years from now unless the foundation be laid not only to rebuild, but to revamp your present transit facilities for passengers, but also to lay the foundation for needed future development."

"It seemed to me that no time was to be lost; that they have now been allowed to drift until it has reached almost an acute stage."

"If your city is to be developed, if your housing problem is ever to be solved, one of the keys to it is undoubtedly a proper method of transportation. It was perfectly obvious that the problem had been allowed to drift. The fact is, and I say it weighing my words, that it has not been dealt with on the level by the people charged with it. It has become a football of politics. There were one or two courses to follow. One was that a solution was to be had responsibility must be centered somewhere. That responsibility and authority can be centered in a city agency, the Board of Estimate."

Some one in the audience called out "No." The Governor smiled and went on:

least, called upon to bring forward a solution. And that has not been done. "Of course it has been suggested that the city operate bus lines. It may be that within the contemplation of some people that would be a solution of this problem. I don't think it needs to be discussed. Apart from that I have heard of no plan."

Service First Consideration.
"The first consideration is the importance of giving service to the people of New York. I felt, viewing the fact that the service is so rapidly deteriorating, viewing the intolerable conditions which I have observed, that no time was to be lost, and looking ahead a few years, I confess I was appalled by the thought of the conditions that might exist in the city if prompt relief were not provided."

"But there was another consideration which moved me to bring the problem before the Legislature. From all the information that I can get, and it is a matter of public knowledge, the conclusion seemed to be rather irresistible that the present transportation utilities in the city of New York were headed either for the auction block or the junk heap, and if they arrived at either of these goals the opportunity to put into effect a constructive plan would be lost. The time was propitious; any delay would imperil it. Things have reached a stage where they must be treated on the level."

"The thing to do was to go ahead; and as far as I could do I have gone ahead. It is now up to the Legislature."

There was a bit of disturbance at the hearing in the Capitol got under way. Senator Johnson had arrived to the tune of some hand-clapping, and he was followed a few minutes later by Mayor Hylan. In the matter of applause the Mayor was the loudest. When he called the gathering to order he had a group of women struggling down the crowded aisle with the banner bearing the legend, "City of New York, 5,000,000 People—Don't Trust Me."

There were cries of "Take it out!" and the chairman ordered it removed to the back of the hall.

Mayor Files Memorandum.
Then came Mayor Hylan. He rose to cries of "Ho, ho, ho!" while the militants in the rear waved their banner wildly. There was much applause. The Mayor refused to cut in on the two hours allotted to his side. He said merely:

"Inasmuch, Mr. Chairman and gentlemen of the committee, as the time is limited to two hours, with your permission I wish to file a memorandum which I have prepared and give way to Senator Johnson, who will now address you."

Senator Johnson was a little fidgety at the outset, punctuating his remarks with sharp, jerky motions of his right hand. But he soon found himself and went along strongly to the finish. In discussing the police powers of the State he brought in the question of ticket sales, which he said had been voted recently by Gov. Miller on the ground that it would not stand in court. Senator Johnson remarked that some times a police power that is not great enough to protect a people against the sale of theatre tickets was strong enough to enter the city and take away its property.

In quoting the Governor as saying that the traction question was not local one, he wanted to know why, if this was so, the State did not take over and operate the transit lines and "foot the bill."

The windup of the hour of rapid fire talk was truly Johnsonesque. In a last cry for a referendum he put it as "the right finally of the American people to stand on its own feet, hold its head high and say that under a provident God we can and will govern ourselves."

Points in Johnson's Argument.
In the course of his argument the Senator said:

"Let us look at the traction situation in New York city. First you find an investment of \$300,000,000. Next you have the State of New York, solidly through its Legislature, saying that the transit lines shall ever be the property of the city, and beyond that you have the fact that what this money was invested in the original subway it was done under a referendum to the people of the city of New York, who exercised whatever a city ought to have the right to exercise, the right of saying by their votes what should be done with their property, and under referendum the city decided upon its investment."

"If it were an appropriate thing when the first investment was made by the city in the subway for the city of New York to say to the people of that city, 'You have shown me the final arbiters of your fate, you here in this municipality, you by your votes should determine whether you want to do this thing—if you do, you shall have the right to exercise power, and discretion, if that were an appropriate thing to be done in the first subway, why isn't it an appropriate thing to-day for the Legislature of the State of New York to give to the city of New York a right of referendum when these subways are to be taken away from the city of New York?"

breathes in every section that deals with the commission's power the right of plenary power in the commission at the expense of what there is in the city of New York."

Appeals for Generosity.
"You permit by this bill acts that you wouldn't permit under any other set of circumstances. The remedy, you ask? The remedy, I ask, for traction, by putting power in this State and twirling away power in the city? Ah, Mr. Chairman, with their local concerns and their local problems, give the city of New York the power, and to its power, give it more right. Don't deal with it in a sparse and niggardly fashion in doing out the power of this State. Don't take from it a little that it has. Give to it the plenary power that will enable it finally to act for itself, as it has the right to act. Self-government? Why, Mr. Chairman, this bill makes a mockery of self-government. Home rule? There isn't any such thing if the provisions of this bill can ultimately go into full force and effect."

Corporation Counsel O'Brien, Comptroller Craig and President La Guardia of the Board of Aldermen all talked of depriving the city of home rule. They followed along the line laid out by Senator Johnson.

Among the up-State city officials opposing the measure Mayor George J. Lann, of Schenectady, was outstanding. He said that in the poll of city executives it was found that those for the bill represented but 363,819 citizens, while those opposing represented more than 4,000,000.

When Senator Knight banged his gavel and announced time was up for the opposition, there was an uproar of protest.

"Is labor going to be heard or are you going to throttle us?" shouted James P. Holland, president of the State Federation of Labor. "It is not fair not right that we should be denied a hearing. Do you want conditions in New York that you have in Albany? Do you want to have the tracks torn up?"

A score or more lusty lunged spokesmen for the people demanded they be heard.

Unorganized Public.
"I am here for the unorganized public," cried C. H. Collins of New York. "We have a right to be heard."

"Sit down," shouted Senator Knight, and he swung his gavel fast and furiously.

"I won't sit down; this is a disgrace, if you refuse to hear me I'll put my statement in the papers," Collins defied the chairman.

It was finally agreed that if the committee saved the opposition another twenty minutes that might stop an outcry that a hearing was denied to the public.

"When the police power begins the Constitution ends," said E. Ward McManis, of Brooklyn, Chamberlain of Commerce. "This proposition is iniquitous; it overrides New York."

"This measure is the greatest piece of political insolence of this generation," said Albert S. Ward of the Citizens Union.

Justice John Ford of the Supreme Court came near starting something. He said: "This bill cannot be amended to make it good. It is an outrage against local self-government and an invasion of our rights."

Points by Gov. Miller and Senator Johnson in Arguments on Traction Bill in Albany

Special Despatch to THE NEW YORK HERALD.
New York Herald Bureau, Albany, March 3.

HERE are the principal points made by Gov. Miller and Senator Johnson of California in their arguments for and against the traction bill:

Gov. Miller.
If New York city is to be developed, if its housing problems are ever to be solved, one of the keys is undoubtedly a proper method of transportation. The transit problem has been allowed to drift. It has not been dealt with on the level by the people charged with it. It has become a football of politics.

I can say to you that the corporations have had no hand in the framing of this measure. And I can say to you that they will have no hand in the administration of it. They will be dealt with honestly and fairly, but more than that they will not receive.

This measure retains the very largest possible measure of home rule. The people who are opposing this measure have offered no plan. They are now what they have been for three years—mere obstructionists.

The first consideration is the importance of giving service to the people of New York.

What sort of legislation is it that permits a railroad corporation to accept or reject and takes by the neck the great city and says, "If you don't act we will act for you, and as your successor in interest we will become for you a part of the plan?"

It won't do to say that your commission is representing the city of New York, because the bill in every line breathes opposition to the city.

I insist that this bill not only is contrary to the Constitution of the State of New York, but it violates many of the provisions of that of the United States, too.

This bill makes a mockery of self-government. Home rule? There isn't any such thing if the provisions of this bill can ultimately go into full force and effect.

he continued, "We want some board somewhere with authority to clean up the situation and let the city do something to give the people a chance to get it up and down. We had enough of government operations of utilities during the war. I represent one of the 7,000,000 people of the city of New York that we are talking about here, and there are many others besides myself who are in favor of this bill. The people are not pikers, nor wheedlers, and they want to stand by a contract."

Former State Senator Martin Saxe told the legislators not to get alarmed by the talk by the "people on the other side," for there are "many, many thousands of people in New York who are thinking strongly and standing strongly for Gov. Miller's bill." Speaking of the complaint of expropriation of the State's police power, Senator Saxe said that it is used through private corporations when children are abused or when the prevention of the prevention of cruelty to children and animals.

"And I tell you the people of New York want you to come down there and take away the power from the Board of Estimate and put it in the State. They are pleading for it, just as some pleaded that no people ever had a right to be estimated before and put it in the Public Service Commission. So don't be alarmed about the situation whatever. There are plenty of thinking people in the city of New York with you and they believe you have the courage of your convictions and that you will stand by them to the end."

CARUSO RESTS QUIETLY, AS FEVER ABATES
"Greatly Improved," an Official Bulletin States.
Enrico Caruso was reported last night in the Vanderbilt hotel to be resting quietly. At 10:30 o'clock Bruno Zirato, Caruso's secretary, said the fever had continued to drop and there was nothing to add to the optimistic reports given out earlier.

HYLAN AGAIN TALKS FOR CITY BUS LINES

Special Despatch to THE NEW YORK HERALD.
New York Herald Bureau, Albany, March 3.

Attacks Miller's Transit Measures at State Conference of Mayors.

34 CITIES REPRESENTED
21 Register Opposition to Governor's Bill, Five Favor It, Four Want Changes.

Mayor Hylan, at a meeting before the traction hearing, told representatives of the New York State Conference of Mayors to-day that Gov. Miller's transit bill not only infringed on the principle of home rule, but paved the way for increased fares and the sad-dling on New York city of its milk dried surface lines.

He declared that it should be defeated and his bill permitting municipal ownership and operation of bus lines substituted.

Of the thirty-four cities represented twenty-one registered their opposition to the Governor's measure, five favored it, four were for it with amendments and four announced that they had taken no position.

The cities opposing the bill were Amsterdam, Auburn, Batavia, Binghamton, Buffalo, Dunkirk, Elmira, Glens Falls, Glens Falls, Jamestown, Lackawanna, Newburgh, New York, North Tonawanda, Oneida, Oswego, Port Jervis, Saratoga, Schenectady, Troy and Watervliet.

The cities favoring the bill were Syracuse, Gov. Miller's home city; Cortland, Ithaca, Gloversville and Johnstown. Yonkers, Mount Vernon, Oneonta and Poughkeepsie asked for amendments, and no position was taken by Albany, Utica, Rome and New Rochelle.

Mayor H. H. Farmer of Syracuse, in defending the Governor's measure, declared that it is the "only solution of the vexatious problem of public utilities which has been with us for fifty years."

Mayor Ralph P. Butts of Poughkeepsie, in favoring the bill, said that the State should regulate fares and service, but he objected to interurban lines having to ask for a franchise from each city or town through which it passes.

Mayor George R. Lunt of Schenectady asserted that if the bill becomes law the State might just as well appoint a State manager for each city and abolish city government. He added that New York is threatened directly by the measure and every other city indirectly.

Mayor Samuel A. Carlson of Jamestown advocated the appointment of a commission for each city with a transit problem. He would have these commissions made up of five members each, one appointed by the Governor, one by the Mayor, one by the Common Council, one by the employees and the fifth by the stockholders of the company. He would then give each commission full powers, such as the Governor gave the railroad commission during the war.

FIRST BILL ON MILLER PROGRAMME ENACTED

Special Despatch to THE NEW YORK HERALD.
New York Herald Bureau, Albany, March 3.

Reorganization of S. I. C. Awaits His Signature.
The first of the important bills recommended by Gov. Miller to be sent to him is that of Senator Knight and Assemblyman Brady, reorganizing the State Industrial Commission and making it a single-headed body. It passed the Assembly to-day by a vote of 100 to 37.

Little objection was voiced to it on the floor of the Assembly, but labor men who oppose it have asked for a hearing before the Governor. The introducers, Senator Davenport, in order to permit two minor amendments.

PALMER RELEASES ATTORNEYS.
WASHINGTON, March 3.—Attorney General Palmer telegraphed to-day to all special attorneys in charge of Lever act prosecutions relieving them of their appointments, effective March 3. The action followed the decision of the Supreme Court holding section 4 of the act invalid.

FRANKLIN SIMON MEN'S SHOPS
2 to 8 WEST 38th STREET
Men's French Shirts
Direct from Our Paris Affiliations
Custom-Made at \$5.00
For Immediate Delivery
UNIQUE French shirts, as difficult to acquire as a Paris accent, peculiarly Parisian in pattern, typically French in quality. Made to measure, by our own custom staff, expert in those intricacies of measuring, modeling and making, whereby a custom shirt, unlike shirts that are made for everybody, has the fit and feel of a shirt that is made for you.
For the time being \$5.00
Franklin Simon & Co.
FIFTH AVENUE.

J. M. Gidding & Co.
564-566 and 568 Fifth Avenue 4652 and 4712 STE
SPRING FASHIONS
TAILORED AND COSTUME SUITS
NEW TAILORED DAY DRESSES
AFTERNOON FROCKS
NEW EVENING GOWNS
AND DANCE FROCKS
NEW SPRING HATS
FURS FOR SPRING

Largest Bonding Business
in the world is written by the
Largest Surety Company in the World!
TOTAL AMOUNT OF CLAIMS RECEIVED on Fidelity, Surety and Burglary risks in 1920..... \$6,109,222
(larger than that of any other company in the world)
TOTAL AMOUNT of gross Fidelity, Surety and Burglary premiums written 1920..... 17,099,198
(larger than that of any other company in the world)
TOTAL AMOUNT of net Fidelity, Surety and Burglary premiums written in 1920..... 10,987,153
(larger than that of any other company in the world)
TOTAL AMOUNT of Fidelity, Surety and Burglary premium reserve Dec. 31, 1920..... 7,082,852
(larger than that of any other company in the world)
COMBINED capital and surplus Dec. 31, 1920..... 10,608,981
(larger than that of any other surety company in the world)
Total Resources
Over Twenty-three Million Dollars
(larger than that of any other surety company in the world)
During the past 30 years we have paid claims of OVER EIGHTEEN MILLION DOLLARS to our patrons.
THE LARGEST BOND we issued in 1920 was for \$3,500,000.
THE LARGEST CLAIM in 1920 was for \$500,000 (of this we reinsured \$375,000, so that our net exposure was only \$125,000).
THE LARGEST NUMBER of PERSONS under one bond is over 33,000.
WE BOND MORE PEOPLE than any other company in the world.
WE HAVE 10,600 agencies and 27 Branch Offices.
THE NATIONAL LIST, INC. (owned by this Company), carries over 7,000 Guaranteed Attorneys throughout the United States and Canada.
THE NATIONAL ACCOUNTING CO. (owned by this Company) conducts a general accounting business and furnishes a special analytical income tax service.
LARGE AND IMPORTANT UNDERWRITING PROBLEMS are facilitated by our pre-eminent financial position, coupled with thirty years of practical and successful surety experience.
National Surety Company
115 Broadway, New York
World's Largest Surety Company